



Docket No.: 050212-0539

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Chie FUKUDA, et al. : Confirmation Number: 9103
Application No.: 10/667,668 : Group Art Unit: 2874
Filed: September 23, 2003 : Examiner: D. Chiem

For: INTEGRATED OPTICAL ELEMENT, INTEGRATED OPTICAL ELEMENT
FABRICATION METHOD, AND LIGHT SOURCE MODULE

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Restriction Requirement
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action dated June 3, 2005, the Examiner imposed a Restriction Requirement pursuant to 35 U.S.C. §121, requiring election of either:

Group I. Claims 1 through 8, 14 through 23 and 29, directed to an optical element and light source module on a silicon bench; or

Group II. Claims 9 through 13 and 24 through 28, directed to a method of making an optical semiconductor element.

Additionally, if Group I is elected, the Examiner has imposed an election of species requirement under 35 U.S.C. §121, requiring election of one of the following species:

Species A, first Embodiment, Figures 1-6B;

Species B, second Embodiment, Figures 11-13;

Species C, first Embodiment of light source, Figure 14; or

Species D, second Embodiment of light source, Figure 15.

On page 3 of the Office Action, the Examiner indicated that if Group I is elected, Applicants are required to elect one Species from each of A-B and C-D.

In response Applicants elect to prosecute optical element and light source module claims 1-8, 14-23 and 29 (Group I). In addition, Applicants elect to prosecute Species A and Species C. Applicants list all of the claims in Group I, i.e., claims 1 through 8, 14 through 23 and 29, as readable on the elected Species A and Species C. Favorable consideration of claims 1 through 8, 14 through 23 and 29 is solicited.

Relationship between the present Claims and Figures.

For the Examiner's convenience, Applicants would note that the first embodiment of the present invention is primarily illustrated in Figs. 1 and 2; and the second embodiment of the present invention is primarily illustrated in Figs. 11 and 12. Independent claims 1 and 15 are supported by Figs. 1, 2, 11 and 12. In addition, claims 2, 3, 6 through 8, 17, 18 and 21 through 23 are supported by Figs. 1, 2, 11 and 12. Claims 4, 5, 19 and 20 are supported by Figs. 6A and 6B. Claim 12 supported by Fig. 12. Applicants would further note that claims 14 and 29, regarding a light source module, are supported by Figs. 14 and 15. On the other hand, method claims 9 through 13 and 21 through 28 are primarily supported by Figs. 7A-7B.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Arthur J. Steiner
Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AJS:ntb
Facsimile: 202.756.8087
Date: July 5, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**